

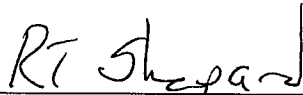
FILED  
DEC - 7 2007  
*H. Smith*

## ORDER APPROVING AMENDED LOCAL RULES

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Jay L. Toney, Randolph Circuit Court, 100 South Main Street, Winchester, IN 47394-1888; the Hon. Peter D. Haviza, Randolph Superior Court, 100 South Main Street, 2nd Floor, Winchester, IN 47394-1892; and to the Clerk of the Randolph Circuit Court, and to post this Order on the Court's website dealing with local rule amendments.

The Clerk of the Randolph Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 7<sup>th</sup> day of December, 2007.

  
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Randall T. Shepard  
Chief Justice of Indiana

## **LR68-TR79-118 SPECIAL JUDGE IN CIVIL AND JUVENILE CASES**

Pursuant to Trial Rule 79 of the Indiana Rules of Trial Procedure, the Circuit and Superior Courts of Randolph County adopt the following rule for the selection of special judges in civil and juvenile cases.

In civil cases and in the absence of agreement as to a particular special judge or an agreement to have the regular sitting judge appoint a special judge, the regular sitting judge shall select (on a rotating basis) one of the judges from the following available panel of judges from this and contiguous counties (omitting the judge from whom change of venue is being taken):

- a. Presiding Judge, Delaware Circuit Court No. 1
- b. Presiding Judge, Delaware Circuit Court No. 2
- c. Presiding Judge, Delaware Circuit Court No. 3
- d. Presiding Judge, Delaware Circuit Court No. 4
- e. Presiding Judge, Delaware Circuit Court No. 5
- f. Presiding Judge, Jay Circuit Court
- g. Presiding Judge, Jay Superior Court
- h. Presiding Judge, Blackford Circuit Court
- i. Presiding Judge, Blackford Superior Court
- j. Presiding Judge, Henry Circuit Court
- k. Presiding Judge, Henry Superior Court No. 1
- l. Presiding Judge, Henry Superior Court No. 2
- m. Presiding Judge, Randolph Circuit Court
- n. Presiding Judge, Randolph Superior Court

In the event that a special judge selected from the rotating list is ineligible for, disqualified from or excused from appointment, then the regular sitting judge shall select (on the rotating basis) the next judge on the list. In the event that no judicial officer within the above list is eligible to serve as special judge or the particular circumstances of the case warrant selection of a special judge by the Indiana Supreme Court, the judge of the Court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.

In juvenile cases, and in the absence of agreement as to a particular special judge or an agreement to have the regular sitting judge appoint a special judge or transfer as set forth herein, the regular sitting judge shall select (on a rotating basis) one of the judges from the following available panel of judges from contiguous counties:

- a. Presiding Judge, Delaware Circuit Court No. 1
- b. Presiding Judge, Delaware Circuit Court No. 2
- c. Presiding Judge, Jay Circuit Court
- d. Presiding Judge, Henry Circuit Court
- e. Presiding Judge, Henry Superior Court No. 1
- f. Presiding Judge, Blackford Circuit Court
- g. Presiding Judge, Randolph Superior Court
- h. Presiding Judge, Randolph Circuit Court

In the event that a special judge selected from the rotating list is ineligible for, disqualified from or excused from appointment, then the regular sitting judge shall select (on the rotating basis) the next judge on the list. In the event that no judicial officer within the above list is eligible to serve as special judge or the particular circumstances of the case warrants selection of a special judge by the Indiana Supreme Court, the judge of the Court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.

The Randolph County Clerk shall maintain separate civil and juvenile lists, in the order of rotation as set forth in this rule, from which the regular sitting judge can determine the appropriate appointment in civil and juvenile cases.

**LR68-CR13-206 SPECIAL JUDGE IN CRIMINAL CASES**

In order to assure random selection of special judges in criminal cases, if a change of judge is required under Criminal Rule 12 or in the event of any type of recusal or disqualification in felony and misdemeanor cases, reassignment of a case to another judge shall be assigned in consecutive order from the following list of judges:

Presiding Judge, Delaware Circuit Court No. 1  
Presiding Judge, Delaware Circuit Court No. 2  
Presiding Judge, Delaware Circuit Court No. 3  
Presiding Judge, Delaware Circuit Court No. 4  
Presiding Judge, Delaware Circuit Court No. 5  
Presiding Judge, Jay Circuit Court  
Presiding Judge, Jay Superior Court  
Presiding Judge, Randolph Circuit Court  
Presiding Judge, Randolph Superior Court

Judges, who have previously exercised jurisdiction in the case, except as a Pro-Tem or while acting as a Senior Judge, shall not be eligible for reassignment as a Judge.

In the event a judge is not available for assignment from such list or the particular circumstances of the case warrant selection of a Special Judge by the Indiana Supreme Court, the case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge pursuant to Criminal Rule 13(D).

The Randolph County Clerk shall maintain a separate Criminal Special Judge list, in the order of rotation as set forth in this rule, from which the regular sitting judge can determine the appropriate appointment in criminal cases.

**LR68-AR1-701 PLAN FOR CASELOAD ALLOCATION**

(A) CIRCUIT COURT. The following cases shall be filed solely in the Randolph Circuit Court:

1. Murder (MR);
2. Mental Health (MH);
3. Adoption (AD);
4. Estate Supervised (ES);
5. Estate, Unsupervised (EU);
6. Guardianship (GU);
7. Trust (TR);
8. Juvenile CHINS (JC);
9. Juvenile Delinquency (JD);
10. Juvenile Status (JS);
11. Juvenile Termination of Parental Rights (JT);
12. Juvenile Paternity (JP); and
13. Juvenile Miscellaneous (JM).

(B) SUPERIOR COURT. The following case shall be filed solely in the Randolph Superior Court:

1. Criminal Misdemeanor (CM), unless part of multiple charges which include a felony being filed in Circuit Court;
2. Infraction (IF), unless part of multiple charges which include a felony being charged in Circuit Court;
3. Local Ordinance Violation (OV);
4. Exempted Ordinance Violation (OE);
5. Small Claims (SC); and

6. All Title 9 offenses, including homicide with a motor vehicle.

(C) All Class D Felonies shall be filed in Superior Court except the following which shall be filed in Circuit Court:

1. Neglect of a dependent and offenses against the family under I.C. 35-46-1-1 et. seq.;
2. Felony non-support, I.C. 35-46-1-5, when the underlying support order was issued by the Randolph Superior Court;
3. Welfare fraud, I.C. 35-43-5-7; and
4. Failure to Register as a Sex Offender, I.C. 5-2-12-9.

(D) Class A, B, and C Felonies shall be filed in the following manner, based upon the month of commission of the crime:

1. Charges for crimes committed in January, February, April, May, July, August, October, and November shall be filed in the Randolph Circuit Court.
2. Charges for crimes committed in March, June, September, and December shall be filed in the Randolph Superior Court.
3. If multiple offenses are charged in a single information, the month of the earliest charge shall be the month used to determine in which Court the charges will be filed.

(E) Once a case has been assigned in accordance with the provisions set out herein, the case cannot be assigned to another judge by dismissal and refile if the second filing is based on the same underlying incident.

(F) In criminal cases, the case shall be assigned according to the highest class charge. Cases filed against other defendants arising out of the same fact situation which are joinable by law shall be filed in the same court.

(G) All other cases may be filed in either Court at the election of the filer.

(H) Per I.C. 33-29-1-9, the Judge of the Randolph Circuit Court, with consent of the Judge of the Randolph Superior Court, may transfer any action or proceeding from the Circuit Court to the Superior Court, and the Judge of the Randolph Superior Court, with consent of the Judge of the Randolph Circuit Court, may transfer any action or proceeding from the standard Superior Court to the Circuit Court.

## LR68-AR15-704 COURT REPORTERS

### SECTION ONE. DEFINITIONS

(1) *A Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

(2) *Equipment* means all physical items owned by the court or other government entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, copy machines, fax machines, computer hardware, software programs, disks, tapes, and any other device used for recording, storing and transcribing electronic data.

(3) *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

(4) *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

(5) *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(6) *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week.

(7) *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.

(8) *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.

(9) *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts of record in Randolph County.

(11) *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court. The county indigent transcript will also include any requests from the local Prosecutor's Office.



(12) *State indigent* transcript means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(13) *Private transcript* means a transcript that is paid for by a private party, but not limited to a deposition transcript.

(14) *Expedited* means transcripts which are requested to be completed within three (3) days.

(15) *Rush/Overnight* means transcripts which are requested to be completed within twenty-four (24) hours.

## SECTION TWO. SALARIES AND PER PAGE FEES.

(1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall inform the court reporter the manner in which the court reporter is to be compensated for gap and overtime hours, which is by receiving compensatory time off regular work hours.

(2) The **maximum** per page fee a court reporter may charge for the preparation of a county indigent transcript shall be **\$4.00; including cover pages; ½ of per page fee for transcript for each page** for a copy of a transcript provided to the Public Defender's Office or the Prosecutor's Office; and **½ of per page fee for each exhibit**. The fee for an "expedited" transcript (preparation within three (3) days) on a county case shall be **\$6.00** per page. The court reporter shall submit a claim voucher to the supervising judge for approval of payment by the county for the preparation of any county indigent transcripts.

(3) If a court reporter is requested to prepare in indigent "rush/overnight" transcript (preparation within twenty-four (24) hours or less), the per page fee shall be **\$7.00**.

(4) The **maximum** per page fee a court reporter may charge for the preparation of a State indigent transcript shall be **\$4.00; and ½ of per page fee for transcript for each page** for a copy of a transcript; and **½ of per page fee for each exhibit**. The fee for a State Public Defender requested "expedited" transcript (preparation within three (3) days) on a State indigent case will in no event exceed **\$6.00** per page. If a court reporter is requested by the State Public Defender to prepare an indigent "rush/overnight" transcript (preparation within twenty-four (24) hours or less), the per page fee shall be **\$7.00**.

(5) The **maximum** per page fee a court reporter may charge for the preparation of a private transcript shall be **\$4.25** with the court reporter being responsible for expenses as provided in Section Four (4), Paragraph Two (2). The fee for an "expedited" transcript (preparation within three (3) days) on a private case will be agreed upon between the court reporter and party requesting the same but in no event may exceed **\$6.25** per page. The court reporter may charge up to **½ of per page fee for transcript for each page** for a copy of a transcript (**including a disc copy**), or **½ of per page fee for each exhibit**

with the court reporter being permitted to use the court system's copy machine outside of regular work hours. If so requested by a party, an "original copy" generated from the computer may be reproduced and charged at **one-half** (½) the transcript fee.

(6) If a court reporter is requested to prepare a private "rush/overnight" transcript (preparation within twenty-four (24) hours or less), the maximum per page fee shall be **\$7.25**.

(7) An additional labor charge approximating the hourly rate based upon the court reporter's annual fixed compensation as reflected in the court budget, may be charged for the time spent binding the transcript and exhibit binders. The labor charge shall not exceed three (3) hours, unless unusual circumstances permit the submission of a recapitulation enumerating the hours spent beyond the two (2) hour base.

(8) The Index and Table of Contents pages shall be charged at the per page rate being charged for transcript preparation either for county, state or private cases.

(9) A minimum fee up to \$35.00 per transcript shall be allowed for transcripts under eight (8) pages.

(10) The court reporter or designated court employee shall report, at least on an annual bases, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

(11) The preparation of any transcript for payment shall not be performed during regular work hours, including but not limited to, transcribing, copying, or other functions related to the compilation of the transcript.

### **SECTION THREE. PRIVATE PRACTICE**

(1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular work hours.

### **SECTION FOUR. SUPPLIES**

(1) All supplies for *County or State indigent transcripts*, i.e. transcript paper, binders and copy paper shall be provided through the court system's office supply account.

(2) All supplies for *Private transcripts*, i.e. transcript paper, binders and copy paper shall be the responsibility of the court reporter. The court reporter will not be allowed to charge for the cost of such supplies due to the allotted fee approved herein for the preparation of a private transcript.

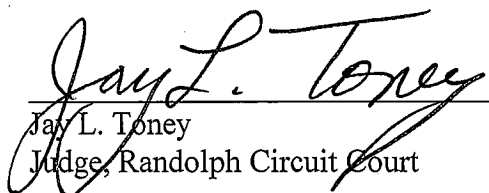
IN THE CIRCUIT AND SUPERIOR COURTS  
OF RANDOLPH COUNTY

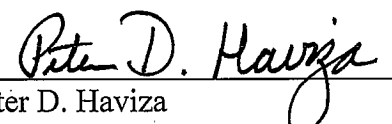
IN THE MATTER OF       )  
LOCAL RULES               )

ORDER FINDING GOOD CAUSE  
TO ADOPT LOCAL RULES AT TIME  
OTHER THAN ESTABLISHED SCHEDULE

The Judges of the Randolph Circuit Court and the Randolph Superior Court, pursuant to Trial Rule 81(D), now find that good cause exists to deviate from the schedule established by the Division of State Court Administration for posting local rule adoptions. These proposed local court rules shall be published in the county clerk's office and on the Indiana Judicial website. Comment on these proposed local court rules may be made for a period of forty-five (45) days after posting. Comments may be made to Randolph County Circuit Court Judge Jay L. Toney at [jtoney@randolphcounty.us](mailto:jtoney@randolphcounty.us) or to Randolph County Superior Court Judge Peter D. Haviza at [phaviza@randolphcounty.us](mailto:phaviza@randolphcounty.us). Local rules pertaining to special judge selection in civil cases pursuant to T.R. 79(H); pertaining to assignment or criminal cases and selection of successor judges pursuant to C.R. 2.2; regarding court reporter services pursuant to A.R. 15; and on case reallocation plans pursuant to A.R. 1(E) shall become effective upon approval by the Indiana Supreme Court. The remainder of the proposed local rules will be effective sixty (60) days after first published.

Submitted this 14<sup>th</sup> day of March, 2007.

  
Jay L. Toney  
Judge, Randolph Circuit Court

  
Peter D. Haviza  
Judge, Randolph Superior Court